REMARKS

The foregoing Amendment and remarks which follow are responsive to the Final Office Action mailed June 18, 2004 for the above-reference patent application. In that Office Action, claims 1, 3, 4, 21, 23, 24, 41, 43, 44, 61, 63, and 64 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Bellaton (U.S. Patent No. 6,473,425) in view of Shaffer et al. (U.S. Pat. No. 6,236,642). Furthermore, claims 2, 22, 42, and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellaton in view of Shaffer and Miller et al (U.S. Pat. No. 6,247,058). Claims 5-10,25-30,45-50 and 65-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellaton in view of Shaffer and further in view of Lindsay (U.S. Pat. No. 6,564,267). Additionally, claims 14-20, 34-40, 54-60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellaton in view of Shaffer and further in view of Gubbi et al. (U.S. Pat. No. 6,574,668).

By the present Amendment, Applicant has amended independent claims 1, 14, 21, 34, 41, 54, and 61 to recite the novel and unobvious aspects of the present invention. Specifically, none of the references, either alone or in combination, teach or suggest removing the differential packets more frequently than frame packets in order to ensure that critical information is not lost when an acknowledgement is not received.

For example, claim 1 has describes a method for real time transmission of information content between a network server and a network client wherein successive packets of content are transmitted from the server to a retransmit module. Each of the packets at the retransmit module is assigned a sequence number and a first timer. Furthermore, each packet is designated as either a frame

CA 82998.1

packet or a differential packet. The packets are transmitted from the retransmit module to the network client which then sends an acknowledgement of receipt. Furthermore, packets are retransmitted from the retransmit module upon expiration of the first timer even if an acknowledgment has not been received from the client. Packets are removed from the retransmit module prior to acknowledgment being received wherein differential packets are removed more frequently than frame packets in order to ensure that critical information (i.e., frame packets) are not lost when an acknowledgment is not received. Claims 14, 21, 34, 41, 54 and 61 have been similarly amended.

In the Office Action, the rejections relied on Shaffer for teaching that "...packets containing video frames with small changes are removed by a packet reordering unit...." However, Applicant respectfully submits that Shaffer does not teach that differential packets are removed more frequently than frame packets to ensure that critical information is not lost when an acknowledgment is not received.

Specifically, Shaffer is directed toward removing packets to decrease the delay in delivery. As understood, Shaffer discloses inserting delay into the delivery of real-time packets in order to cause the packets to be received in sequence when a change in routing occurs. In order to catch up and make the most efficient use of the new delivery rate on the new route, the delay must be removed. Accordingly, Shaffer discloses removing packets to eliminate all of the delay.

Applicant respectfully submits that Shaffer does not teach or suggest removing differential packets more frequently than frame packets to ensure critical information is not lost. As shown above, Shaffer removes packets to decrease the delay in transmission of packets when a new route is chosen. On the other hand,

CA 82998.1

the present invention, as described in the amended independent claims, ensures that critical information is not lost when an acknowledgment is not received by removing differential packets more frequently than frame packets.

The presently amended independent claims describe a network connection where if an acknowledgment is not received, critical information is still received. On the other hand, Shaffer describes a network connection wherein delays are removed in order to speed the transfer of packets. Furthermore, Shaffer does not teach or suggest removing packets when an acknowledgement is not received. As such, Applicant respectfully submits that Shaffer does not disclose removing packets in order to ensure that critical information is not lost when an acknowledgment is not received.

In view of the foregoing discussion, Applicant respectfully submits that claims 1-10, 14-30, 34-50 and 54-70 are in condition for allowance because Shaffer does not disclose the claims elements as recited in the Office Action. As such, Applicant respectfully urges that the claims of the present application define patentable subject matter and should be passed to allowance. Such allowance is respectfully requested.
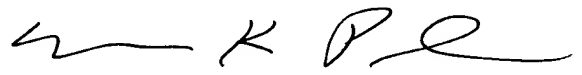
If the Examiner believes that a telephone call would help advance prosecution

of the present invention, the Examiner is invited to contact Applicant's representative

at the number listed below.

Respectfully submitted,

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Date: <u>August 25, 2004</u>　　　　By: _____

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CA 82998.1